

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRI.W.P.NO.2436 OF 2004
WITH
CRI.W.P.NO.2443 OF 2004
WITH
CRI.W.P.NO.2444 OF 2004
WITH
CRI.W.P.NO.2455 OF 2004
WITH
CRI.W.P.NO.2456 OF 2004

Mr.Rohit Mehta ..Petitioner

Vs.

M/s.Fortis Financial
Services Ltd. and Anr. ..Respondents

...
Mr.N.S.Mundargi i/b Mr.Arpan Rajput for
Petitioner
Mr.J.P.Shah i/b M/s. A.S.Khan for Respondent no.1
Mr.S.R.Shinde A.P.P. for State in Cri.Application
Nos.2436 and 2443 of 2004
Mr.D.P.Adsule, A.P.P. for State in Cri.Appl.No.
2444 and 2455 of 2004.
Mr.B.H.Mehta A.P.P. for State in Cri.Appl.No.
2456 of 2004.

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CORAM: SMT.V.K.TAHILRAMANI, J.
DATE : AUGUST 31, 2005

P.C.

1. Heard the learned advocate for the
petitioner-original accused and learned advocate
for complainant i.e. respondent no.1 and the
learned A.P.P. for the State.

2. The petitioner is seeking quashing of process issued by the learned Addl.Chief Metropolitan Magistrate, Esplanade Court, Mumbai in C.C.Nos.1679/S/2002, 472/S/2002, 3042/S/2002, 2141/S/2002 and 3437/S/2002. In the said cases process was issued against the petitioner under Section 138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioner makes a statement that the necessary

revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks.

. The learned advocate for the respondent no.1-complainant fairly states that no objection will be raised in respect of delay in filing the revision.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ petitions are disposed of.

[V.K.TAHILRAMANI, J.]